

**Executive Summary – Enforcement Matter – Case No. 41136**  
**INEOS USA LLC**  
**RN100238708**  
**Docket No. 2011-0223-AIR-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Unauthorized emissions which are excessive emissions events.

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Chocolate Bayou Plant, Farm-to-Market Road 2004, two miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004, Alvin, Brazoria County

**Type of Operation:**

Petrochemical plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, Docket Nos. 2007-1279-AIR-E, 2008-1816-AIR-E, 2010-1421-AIR-E, and 2011-0614-AIR-E.

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 17, 2011

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$59,520

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$59,520

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** Yes

**Statutory Maximum Limit Adjustment:** \$135,400

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 41136**

**INEOS USA LLC**

**RN100238708**

**Docket No. 2011-0223-AIR-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** October 22 through November 5, 2010; October 27 through November 10, 2010; November 10 through 19, 2010; November 10, 2010; December 9, 2010; October 27, 2010

**Date(s) of NOE(s):** January 4, 5, 12, 14, 2011 and February 1, 2011

***Violation Information***

1. Failed to prevent unauthorized emissions. The Respondent failed to prevent low oil differential pressure on Compressor C-201, which resulted in a compressor trip and unauthorized emissions in the Olefins No. 1 Unit on September 29, 2010. During an emissions event (Incident No. 145451), lasting five hours and 20 minutes, the following unauthorized emissions were released from the Olefins 1 Flare: 4,128 pounds ("lbs") of volatile organic compounds including 1,657 lbs of ethylene and 500 lbs of propylene, 3,869 lbs of carbon monoxide ("CO"), and 759 lbs of nitrogen oxides ("NOx"). Because the event could have been avoided by better operating or maintenance practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit Nos. 95 and PSD-TX-854M2, Special Condition No. ("SC") 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to prevent unauthorized emissions. The Respondent failed to prevent air from entering a cracked gas header resulting in unauthorized emissions in the Olefins No. 1 Unit on October 7, 2010. During an emissions event (Incident No. 145798), lasting four hours, the following unauthorized emissions were released from the Olefins 1 Flare: 3,345 lbs of CO, 4,616 lbs of ethylene, and 657 lbs of NOx. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit Nos. 95 and PSD-TX-854M2, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

3. Failed to prevent unauthorized emissions. Upon startup, the Respondent failed to reopen the isolation valve on one of the two ports of the Buffer Gas Flowmeter for the C-201 Cracked Gas Compressor which resulted in erroneously high readings and unauthorized emissions in the Olefins No. 1 Unit on October 9, 2010. During the emissions event (Incident No. 145856), lasting 11 hours, the following unauthorized emissions were released from the Olefins 1 Flare: 17,501 lbs of CO, 14,849 lbs of ethylene, 699 lbs of propylene, and 3,435 lbs of NOx. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit Nos. 95 and PSD-TX-854M2, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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4. Failed to prevent unauthorized emissions. The Respondent failed to prevent an on-site contractor from miscoding a selector switch in the Acetylene Converter interlock system, resulting in the tripping of the Olefins No. 2 Unit on October 13, 2010. During the emissions event (Incident No. 146027), lasting 16 hours, the following unauthorized emissions were released from the Olefins 2 Flare: 15,748 lbs of CO, 16,299 lbs of ethylene, and 3,091 lbs of NO<sub>x</sub>. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222 [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit Nos. 95 and PSD-TX-854M2 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

5. Failed to conduct the initial performance tests on the Olefins 1 and 2 Flares when they became subject to 40 CODE OF FEDERAL REGULATIONS (“C.F.R.”) Part 63, Subpart FFFF regulations on May 10, 2008. Although the flares had been stack tested in 2000, it was determined that the 2000 tests reports were not adequate to determine compliance with the 2008 rules [30 TEX. ADMIN. CODE §§ 101.20(2), 101.20(3), 116.715(a), and 122.143(4); Flexible Permit Nos. 95 and PSD-TX-854M2, SC 8; Federal Operating Permit O-02327, Special Terms and Conditions 1.A. and 18.A.; 40 C.F.R. § 63.987(b)(1); and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to prevent unauthorized emissions. The Respondent failed to prevent air from entering a cracked gas header due to operator error resulting in unauthorized emissions in the Olefins Nos. 1 and 2 Units on October 10, 2010. During an emissions event (Incident No. 145871), lasting 18 hours, the following unauthorized emissions were released from the Olefins 1 and 2 Flares: 41,093 lbs of ethylene, 48,069 lbs of CO, and 9,433 lbs of NO<sub>x</sub>. The event was due to the board operator failing to open a motor operated valve during the startup of Furnace DB-104. Air entered the cracked gas stream through the furnace, resulting in a temperature increase in the OL 1 DR-202 Acetylene reactor causing the automatic shutdown of the reactor and flaring of off-specification ethylene. The event was determined to be excessive [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit Nos. 95 and PSD-TX-854M2, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:

a. To prevent the recurrence of the September 29, 2010 emissions event (Incident No. 145451), the following were completed by December 1, 2010:

i. Sent Valve DPV-2215 for evaluation and testing during the DC-201 seal repair;

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- ii. Lowered the first stage oil seal differential trip point from 20 pounds per square inch gauge ("psig") to 12 psig to enable more room for differential pressure swings; and
- iii. Checked control valve DFCB210 to ensure it stroked properly during the DC-201 seal repair.
- b. To prevent the recurrence of the October 7, 2010 emissions event (Incident No. 145798), DB-104 Isolation and Blind List was corrected on November 15, 2010;
- c. To prevent the recurrence of the October 9, 2010 emissions event (Incident No. 145856), the following were completed on February 10, 2011:
  - i. Installed a visual aid on the buffer gas meter to illustrate the minimum and maximum operating conditions; and
  - ii. Updated the Standard Operating Procedures for C-201 to include the normal operating conditions on the seal oil and buffer gas systems.
- d. To prevent the recurrence of the October 13, 2010 emissions event (Incident No. 146027), completed modifying the inlet temperature override controls to employ a "push" cascade structure and completed looking for other Distributed Control System points with the same function to ensure that the initialization flag is transmitted properly on January 13, 2011.

**Technical Requirements:**

The Order will require the Respondent to:

- a. For the October 9, 2010 emissions event (Incident No. 145856) to prevent recurrence of a similar emissions event:
  - i. Within 30 days, complete training that details the interaction between the buffer gas system and seal oil shutdown; and
  - ii. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.i.
- b. For failing to conduct the initial performance tests on the Olefins 1 and 2 Flares:
  - i. Within 45 days, conduct the initial performance tests on the Olefins 1 and 2 Flares; and

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- ii. Within 90 days, submit copies of the performance tests on the Olefins 1 and 2 Flares.
- c. For the October 10, 2010 excessive emissions event (Incident No. 145871) to prevent recurrence of a similar emissions event:
  - i. Comply with the TCEQ request dated February 1, 2011 for submittal of a corrective action plan ("CAP") to address this excessive emissions event;
  - ii. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP in connection with the excessive emission events within 15 days after the date of such requests, or by any other deadline specified in writing;
  - iii. Upon Commission approval, implement the CAP in accordance with the approved schedule; and
  - iv. Within 15 days upon completion of the CAP implementation, submit written certification demonstrating compliance with Ordering Provisions c.i. through c.iii.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Miriam Hall, Enforcement Division,  
Enforcement Team 4, MC 149, (512) 239-1044; Laurie Eaves, Enforcement Division,  
MC 219, (512) 239-4495  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Theresa Vitek, Environmental, Health, & Safety Manager, INEOS USA  
LLC, P.O. Box 1488, Alvin, Texas 77536  
David L. Brackett, CBW Site Manager, INEOS USA LLC, P.O. Box 1488, Alvin, Texas  
77536  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	10-Jan-2011	<b>Screening</b>	2-Feb-2011	<b>EPA Due</b>	2-Oct-2011
	<b>PCW</b>	2-Feb-2011				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	INEOS USA LLC
<b>Reg. Ent. Ref. No.</b>	RN100238708
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Major

## CASE INFORMATION

<b>Enf./Case ID No.</b>	41136	<b>No. of Violations</b>	6
<b>Docket No.</b>	2011-0223-AIR-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Miriam Hall
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$42,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.

**Compliance History** **376.0%** Enhancement **Subtotals 2, 3, & 7** \$157,920

Notes: Enhancement for 11 same/similar NOV's, 11 dissimilar NOV's, 10 orders with denial, and four orders without denial. Reduction for one Notice of Intent to conduct an audit.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$5,000

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$2,888  
Approx. Cost of Compliance \$27,200  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$194,920

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** Reduction **Adjustment** \$0

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes:

**Final Penalty Amount** \$194,920

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$59,520

**DEFERRAL** **0.0%** Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the Indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** \$59,520

Screening Date 2-Feb-2011

Docket No. 2011-0223-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 41136

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Miriam Hall

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	11	55%
	Other written NOVs	11	22%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	10	200%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	4	100%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	1	-1%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 376%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for 11 same/similar NOVs, 11 dissimilar NOVs, 10 orders with denial, and four orders without denial. Reduction for one Notice of Intent to conduct an audit.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 376%

Screening Date 2-Feb-2011

Docket No. 2011-0223-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 41136

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Ent. Coordinator Miriam Hall

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3) and 116.715(a); Flexible Permit Nos. 95 and PSD-TX-854M2, Special Condition No. ("SC") 1; and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to prevent low-oil differential pressure on Compressor C-201, which resulted in a compressor trip and unauthorized emissions in the Olefins No. 1 Unit on September 29, 2010, as documented during a record review conducted October 22 through November 5, 2010. During an emissions event (Incident No. 145451), lasting five hours and 20 minutes, the following unauthorized emissions were released from the Olefins 1 Flare: 4,128 pounds ("lbs") of volatile organic compounds including 1,657 lbs of ethylene and 500 lbs of propylene, 3,869 lbs of carbon monoxide ("CO"), and 759 lbs of nitrogen oxides (NOx). Because the event could have been avoided by better operating or maintenance practices, the Respondent did not meet the affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

## Violation Events

Number of Violation Events 1

Number of Violation days 1

mark only one  
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

One monthly event is recommended for the event which occurred on September 29, 2010.

## Good Faith Efforts to Comply

25.0% Reduction

\$1,250

Before NOV · NOV to EDRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

Corrective actions were completed on December 1, 2010, and the NOE was issued January 14, 2011.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$22,550

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 41136  
**Reg. Ent. Reference No.** RN100238708  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	29-Sep-2010	1-Dec-2010	0.17	\$13	n/a	\$13

Notes for DELAYED costs

The estimated cost of taking corrective actions from the date of the emissions event until corrective actions were completed.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

**TOTAL**

\$13

Screening Date 2-Feb-2011  
Respondent INEOS USA LLC  
Case ID No. 41136  
Reg. Ent. Reference No. RN100238708  
Media [Statute] Air  
Enf. Coordinator Miriam Hall

Docket No. 2011-0223-AIR-E

PCW

Policy Revision 2 (September 2002)  
PCW Revision October 30, 2008

Violation Number

2

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(3) and 116.715(a); Flexible Permit Nos. 95 and PSD-TX-854M2, SC 1; and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to prevent air from entering a cracked gas header resulting in unauthorized emissions in the Olefins No. 1 Unit on October 7, 2010, as documented during a record review conducted October 27 through November 10, 2010. During an emissions event (Incident No. 145798), lasting four hours, the following unauthorized emissions were released from the Olefins 1 Flare: 3,345 lbs of CO, 4,616 lbs of ethylene, and 657 lbs of NOx. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events

1

1

Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

One monthly event is recommended for the event which occurred on October 7, 2010.

Good Faith Efforts to Comply

25.0%

Reduction

\$1,250

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

Corrective actions were completed on November 15, 2010, and the NOE was issued on January 5, 2011.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$22,550

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

Respondent: INEOS USA LLC

Case ID No. 41136

Reg. Ent. Reference No. RN100238708

Media: Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	7-Oct-2010	15-Nov-2010	0.11	\$1	n/a	\$1

Notes for DELAYED costs

The estimated cost of updating standard operating procedures ("SOP") to place the steam trap and associated block valves on the DB-104 Furnace Isolation and Blind List from the date of violation to the date that the corrective actions were completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$1

Screening Date 2-Feb-2011

Docket No. 2011-0223-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 41136

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Mirlam Hall

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a); Flexible Permit No. 95 and PSD-TX-854M2, SC 1; and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed upon startup, to reopen the isolation valve on one of the two ports of the Buffer Gas Flowmeter for the C-201 Cracked Gas Compressor which resulted in erroneously high readings and unauthorized emissions in the Olefins No. 1 Unit on October 9, 2010, as documented during an investigation conducted November 10 through 19, 2010. During the emissions event (Incident No. 145856), lasting 11 hours, the following unauthorized emissions were released from the Olefins 1 Flare: 17,501 lbs of CO, 14,849 lbs of ethylene, 699 lbs of propylene, and 3,435 lbs of NOx. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 100%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$0

\$10,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one  
with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

One daily event is recommended for the emissions event which occurred on October 9, 2010.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$157

Violation Final Penalty Total \$47,600

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

Respondent: INEOS USA LLC

Case ID No. 41136

Reg. Ent. Reference No. RN100238708

Media: Air

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	9-Oct-2010	30-Sep-2012	1.98	\$148	n/a	\$148
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	9-Oct-2010	10-Feb-2011	0.34	\$8	n/a	\$8

Notes for DELAYED costs

The estimated cost of corrective actions already completed plus the estimated cost of future training from the date of the emissions event until corrective actions have or will be completed.

## Avoided Costs

### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$157

Screening Date 2-Feb-2011

Docket No. 2011-0223-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 41136

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 101.20(3) and 116.715(a), Permit Nos. 95 and PSD-TX-854M2 SC 1, and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to prevent an on-site contractor from miscoding a selector switch in the Acetylene Converter Interlock system, resulting in the tripping of the Olefins No. 2 Unit on October 13, 2010, as documented during an investigation conducted on November 10, 2010. During the emissions event (Incident No. 146027), lasting 16 hours, the following unauthorized emissions were released from the Olefins 2 Flare: 15,748 lbs of CO, 16,299 lbs of ethylene, and 3,091 lbs of NOx. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 Tex. Admin. Code § 101.222.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release Actual	x		
Potential			

Percent 100%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$0

\$10,000

## Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

One daily event is recommended for the emissions event which occurred on October 13, 2010.

## Good Faith Efforts to Comply

25.0% Reduction

\$2,500

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

Corrective actions were completed on January 13, 2011, and the NOE was issued January 14, 2011.

Violation Subtotal \$7,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$45,100

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

**Respondent:** INEOS USA LLC  
**Case ID No.:** 41136  
**Reg. Ent. Reference No.:** RN100238708  
**Media:** Air  
**Violation No.:** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	13-Oct-2010	13-Jan-2011	0.25	\$19	n/a	\$19

Notes for DELAYED costs

The estimated cost of taking corrective actions from the date of the emissions event until corrective actions were completed.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$19

Screening Date 2-Feb-2011

Docket No. 2011-0223-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 41136

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Mirlam Hall

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 101.20(2), 101.20(3), 116.715(a), 122.143(4); Flexible Permit Nos. 95 and PSD-TX-854M2, SC 8; Federal Operating Permit O-02327; Special Terms and Conditions 1.A. and 18.A.; 40 Code of Federal Regulations ("C.F.R.") § 63.987(b)(1); and Tex. Health & Safety Code § 382.085(b)

## Violation Description

Failed to conduct the initial performance tests on the Olefins 1 and 2 Flares when they became subject to 40 C.F.R. Part 63, Subpart FFFF regulations on May 10, 2008, as documented during a record review conducted on December 9, 2010. Although the flares had been stack tested in 2000, it was determined that the 2000 tests reports were not adequate to determine compliance with the 2008 rules.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could have been exposed to insignificant emissions which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 2

1005 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$2,000

One single event is recommended for each flare (two).

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

X (mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$2,086

Violation Final Penalty Total \$9,520

This violation Final Assessed Penalty (adjusted for limits) \$9,520

# Economic Benefit Worksheet

**Respondent** INEOS USA LLC  
**Case ID No.** 41136  
**Reg. Ent. Reference No.** RN100238708  
**Media** Air  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$12,000	10-May-2008	31-Oct-2011	3.48	\$2,086	n/a	\$2,086
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost for conducting stack tests from the date the test was required by the rule to the estimated compliance date.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$12,000

**TOTAL**

\$2,086

Screening Date 2-Feb-2011

Docket No. 2011-0223-AIR-E

PCW

Respondent INEOS USA LLC

Policy Revision 2 (September 2002)

Case ID No. 41136

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100238708

Media [Statute] Air

Enf. Coordinator Miriam Hall

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.715(a); Flexible Permit Nos. 95 and PSD-TX-854M2; SC 1; and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to prevent air from entering a cracked gas header due to operator error resulting in unauthorized emissions in the Olefins Nos. 1 and 2 Units on October 10, 2010, as documented during an investigation conducted October 27, 2010. During an emissions event (Incident No. 145871), lasting 18 hours, the following unauthorized emissions were released from the Olefins 1 and 2 Flares: 41,093 lbs of ethylene, 48,069 lbs of CO, and 9,433 lbs of NOx. The event was due to the board operator failing to open a motor operated valve during the startup of Furnace DB-104. Air entered the cracked gas stream through the furnace, resulting in a temperature increase in the OL 1 DR-202 Acetylene reactor causing the automatic shutdown of the reactor and flaring of off-specification ethylene. The event was determined to be excessive.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Harm	Moderate	Minor
Actual	X			
Potential				

Percent 100%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant emissions which exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$0

\$10,000

## Violation Events

Number of Violation Events 1

Number of violation days 1

mark only one with an x

daily	X
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

One daily event is recommended for the emissions event which occurred on October 10, 2010.

## Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Before NOV NOV to EDPRP/Settlement Offer

Ordinary

N/A

X (mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$10,000

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$612

Violation Final Penalty Total \$47,600

This violation Final Assessed Penalty (adjusted for limits) \$10,000

# Economic Benefit Worksheet

Respondent: INEOS USA LLC

Case ID No. 41136

Reg. Ent. Reference No. RN100238708

Media: Air

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	10-Oct-2010	31-Dec-2011	1.22	\$612	n/a	\$612

Notes for DELAYED costs

The estimated cost of developing and implementing a Corrective Action Plan ("CAP") from the date of the violation to the estimated compliance date.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$612

# Compliance History

Customer/Respondent/Owner-Operator:	CN602817884	INEOS USA LLC	Classification: AVERAGE	Rating: 3.86
Regulated Entity:	RN100238708	CHOCOLATE BAYOU PLANT	Classification: AVERAGE	Site Rating: 7.04
ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	BL0002S	
	AIR OPERATING PERMITS	PERMIT	1353	
	AIR OPERATING PERMITS	PERMIT	2327	
	POLLUTION PREVENTION PLANNING	ID NUMBER	P00028	
	WASTEWATER	PERMIT	WQ0001333000	
	WASTEWATER	EPA ID	TX0004821	
	PETROLEUM STORAGE TANK	REGISTRATION	12999	
	REGISTRATION			
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0200132	
	UNDERGROUND INJECTION CONTROL	PERMIT	5D0400007	
	AIR NEW SOURCE PERMITS	PERMIT	53419	
	AIR NEW SOURCE PERMITS	PERMIT	95	
	AIR NEW SOURCE PERMITS	PERMIT	101	
	AIR NEW SOURCE PERMITS	REGISTRATION	75608	
	AIR NEW SOURCE PERMITS	REGISTRATION	12953	
	AIR NEW SOURCE PERMITS	REGISTRATION	53419	
	AIR NEW SOURCE PERMITS	REGISTRATION	75399	
	AIR NEW SOURCE PERMITS	REGISTRATION	10465	
	AIR NEW SOURCE PERMITS	REGISTRATION	10906	
	AIR NEW SOURCE PERMITS	REGISTRATION	11060	
	AIR NEW SOURCE PERMITS	REGISTRATION	11539	
	AIR NEW SOURCE PERMITS	REGISTRATION	12136	
	AIR NEW SOURCE PERMITS	REGISTRATION	12709	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BL0002S	
	AIR NEW SOURCE PERMITS	AFS NUM	4803900014	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX854	
	AIR NEW SOURCE PERMITS	PERMIT	488A	
	AIR NEW SOURCE PERMITS	PERMIT	491A	
	AIR NEW SOURCE PERMITS	PERMIT	1041	
	AIR NEW SOURCE PERMITS	PERMIT	2798	
	AIR NEW SOURCE PERMITS	PERMIT	4882	
	AIR NEW SOURCE PERMITS	PERMIT	7196	
	AIR NEW SOURCE PERMITS	PERMIT	19868	
	AIR NEW SOURCE PERMITS	PERMIT	35735	
	AIR NEW SOURCE PERMITS	PERMIT	46192	
	AIR NEW SOURCE PERMITS	REGISTRATION	48637	
	AIR NEW SOURCE PERMITS	REGISTRATION	71820	
	AIR NEW SOURCE PERMITS	REGISTRATION	74968	
	AIR NEW SOURCE PERMITS	REGISTRATION	76394	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX793	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX983	
	AIR NEW SOURCE PERMITS	REGISTRATION	76826	
	AIR NEW SOURCE PERMITS	REGISTRATION	76401	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX642	
	AIR NEW SOURCE PERMITS	REGISTRATION	78501	
	AIR NEW SOURCE PERMITS	REGISTRATION	78483	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX854M2	
	AIR NEW SOURCE PERMITS	REGISTRATION	94567	
	AIR NEW SOURCE PERMITS	REGISTRATION	87813	
	WATER LICENSING	LICENSE	0200132	
	INDUSTRIAL AND HAZARDOUS WASTE	EPA ID	TXD050309012	
	INDUSTRIAL AND HAZARDOUS WASTE	SOLID WASTE REGISTRATION # (SWR)	30042	
	INDUSTRIAL AND HAZARDOUS WASTE	PERMIT	50121	
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)	30042	
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	BL0002S	
Location:	On Farm-to-Market Road 2004, two miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	February 01, 2011			
Agency Decision Requiring Compliance History:	Enforcement			

Compliance Period:

February 01, 2006 to February 01, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Miriam Hall Phone: (512) 239-1044

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 08/28/2006

ADMINORDER 2006-0242-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit #92/PSD-TX-854, S.C.#1 PA

Description: Failed to prevent unauthorized emissions during a April 14, 2005 emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit #95/PSD-TX-854, S.C.#1 PA

Description: Failed to prevent unauthorized emissions during a May 29, 2005 emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Air Permit #95/PSD-TX-854, S.C.#1 PA

Description: Failed to prevent unauthorized emissions during a July 5, 2005 emissions event.

Effective Date: 11/03/2006

ADMINORDER 2006-0469-AIR-E

Classification: Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: No. 95/PSD-TX-854, Special Condition #1 PERMIT

Description: Failure to prevent loss of instrument air resulting in unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: Permit No. 95/PSD-TX-854 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limit of zero from the No. 1 Olefins Flare on November 19, 2005 [emission point No. ("EPN") DM-1101] on November 19, 2005.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT

Description: Failed to maintain an emission rate below the maximum allowable emission limit of zero from the No. 1 Olefins Flare on December 11, 2005 [EPN DM-1101] on December 11, 2005.

Effective Date: 04/26/2007

ADMINORDER 2006-1893-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)

Rqmt Prov: No. 95, Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions.

Effective Date: 08/31/2007

ADMINORDER 2007-0175-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter G 116.715(a)  
 Rqmt Prov: No. 95, Special Condition 1 PERMIT  
 Description: Failure to prevent unauthorized emissions.  
 Effective Date: 11/19/2007 ADMINORDER 2004-0891-AIR-E  
 Classification: Major  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: Flexible Air Permit #95, SC #1 PERMIT  
 Description: BP Amoco failed to prevent the unauthorized excessive emissions from Emission Point No. DDM-3101 during a period of 42 hours on April 1 through April 3, 2003.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.110(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: Flexible Permit 95 and PSD-TX-854 PA  
 Description: BP Amoco failed to prevent the unauthorized emissions when a drain valve on Flare Knock-Out Drum AD-1501 was left open for one hour on May 3, 2004.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: TCEQ FLEXIBLE AIR PERMIT #95, SC#1 PERMIT  
 Description: BP Amoco failed to prevent the unauthorized emissions when BP Amoco failed to prevent a high concentration of carbon monoxide in cracked gas which caused a malfunction in the acetylene reactor, which in turn, resulted in the production of ethylene which was routed to the Olefins 1 Flare for approximately 12 hours and 30 minutes on July 19, 2004.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: TCEQ Flexible Air Permit No. 95, SC1 PERMIT  
 Description: BP Amoco failed to prevent the unauthorized emissions from the Olefins 2 Unit's flare when the Steam Turbine, DDGT-220AN, had an electrical short circuit which caused it to trip offline. This short circuiting caused the Cracked-Gas Compressor DDC-202N to trip-off during a period of approximately eleven (11) hours on June 16, 2004.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: 19868, SC No. 1 PA  
 Description: BP Amoco failed to prevent the unauthorized emissions due to a seal failure on Quench Pump MG-251 for approximately one hour and forty-five minutes on July 9, 2004.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: TCEQ Flex Air Permit No. 95, SC1 PERMIT  
 Description: BP Amoco failed to prevent unauthorized emissions from the Olefins 1 Unit Flare when BP failed to control back-pressure in a hydrogen pipeline; thereby shutting down two compressors and decreasing flow through the ethylene section of the Olefins 1 Unit for approximately 40 hours from October 21 through October 23, 2004.  
 Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 Rqmt Prov: 95, SC #1 PA  
 Description: BP Amoco failed to prevent unauthorized emissions from the Olefins 1 Flare when BP failed to control the carbon monoxide concentration and temperature in the acetylene reactor, DR-201 A/B, for approximately 10 hours on October 29, 2004.  
 Effective Date: 01/28/2008 ADMINORDER 2007-0370-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: No. 95/PSD-TX-854, SC#1 PERMIT  
 Description: Failure to prevent an unplanned compressor shutdown resulting in unauthorized emissions during Incident 63040 and 63041.  
 Classification: Major  
 Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Rqmt Prov: No. 95 PERMIT  
 Description: Failed to control unauthorized emissions during Incident No. 63863 and No. 63864.

Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: TCEQ Flex Air Permit #95/PSD-TX-854, SC1 OP  
Description: INEOS failure to prevent an avoidable emissions event.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter D 382.085(b)  
Rqmt Prov: Special Condition No. 1 PERMIT  
Description: Failure to prevent loss of feed resulting in unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: TCEQ Permit No. 95, Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions due to operator error.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: TCEQ Permit No. 95, Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions.  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Rqmt Prov: No. 95, Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions.  
Effective Date: 04/03/2008 ADMINORDER 2007-1325-PWS-E  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for Trihalomethanes during the fourth quarter of 2006.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
5A THC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.  
Effective Date: 07/21/2008 ADMINORDER 2008-0266-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: No. 95, Special Condition 1 PERMIT  
Description: Failed to prevent the interruption of dimethylsulfide supply to dilution steam.  
Effective Date: 11/17/2008 ADMINORDER 2008-0800-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 111, SubChapter A 111.111(a)(1)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: General Condition No. 11 PERMIT  
Special Condition 1 PERMIT  
Description: Failed to comply with permitted emissions limits.  
Effective Date: 03/12/2009 ADMINORDER 2008-1561-AIR-E  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 1 PERMIT  
Description: Failed to prevent rupture of Tank AF4601B roof seals.  
Effective Date: 07/20/2009 ADMINORDER 2009-0292-AIR-E  
Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: INEOS failed to prevent an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: INEOS failed to prevent an avoidable emissions event.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent the unauthorized release of 2,739 lbs of ethylene, 93 lbs of 1,3-butadiene, 303 lbs of propylene, 1,119 lbs nitrogen oxides, 5,701 lbs carbon monoxide, and 527 lbs of other volatile organic compounds (VOCs). This was caused by a malfunction of a level controller on the feed drum separator to a demethanizer column.

Effective Date: 11/13/2009

ADMINORDER 2009-0758-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PA

Description: Failure to prevent unauthorized emissions. Specifically, the failure of the mechanical arm caused the malfunction of DDC-201 crack gas compressor.

Effective Date: 04/11/2010

ADMINORDER 2009-1084-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. The operator failed to control the liquid level on first stage suction drum (D-201).

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event. Specifically, INEOS failed to prevent the loss of steam pressure which resulted in C-201 cracked gas compressor trip.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions. The valve controller to the R-202 acetylene reactor was tuned improperly.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions when the block valve to DB901A fuel line was not fully closed.

Effective Date: 04/25/2010

ADMINORDER 2009-1737-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to prevent the release of unauthorized emissions which was caused by the polymerization of 1,3-butadiene in the process.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/28/2006	(333721)
2	08/09/2006	(375409)
3	02/28/2006	(435662)
4	02/16/2006	(436530)
5	02/22/2007	(437530)
6	02/28/2006	(437776)
7	02/23/2007	(437902)
8	02/24/2006	(438700)
9	03/20/2006	(438702)
10	02/27/2006	(440360)
11	02/27/2006	(449481)
12	04/19/2006	(449649)
13	02/24/2006	(450737)
14	02/27/2006	(450755)
15	02/28/2006	(450758)
16	02/24/2006	(450766)
17	02/24/2006	(450771)
18	05/10/2006	(451219)
19	05/19/2006	(453213)
20	05/09/2006	(453215)
21	04/28/2006	(453217)
22	02/24/2006	(454384)
23	05/15/2006	(454640)
24	03/20/2006	(454973)
25	03/20/2006	(454984)
26	07/11/2007	(454997)
27	11/27/2006	(455008)
28	03/13/2007	(455785)
29	04/24/2006	(459777)
30	04/24/2006	(460166)
31	04/24/2006	(460197)
32	03/23/2007	(460443)
33	04/03/2007	(461307)
34	04/11/2007	(461770)
35	05/17/2006	(462063)
36	05/04/2006	(462911)
37	07/27/2006	(465816)
38	02/15/2006	(468321)
39	06/30/2006	(482249)
40	07/07/2006	(483768)
41	07/07/2006	(483977)
42	07/07/2006	(484327)
43	07/21/2006	(484894)
44	07/21/2006	(485159)
45	07/06/2006	(485562)

46	09/01/2006	(488185)
47	09/01/2006	(488258)
48	09/01/2006	(488259)
49	09/01/2006	(488316)
50	09/01/2006	(488416)
51	09/01/2006	(488461)
52	09/01/2006	(488482)
53	09/01/2006	(489158)
54	02/26/2007	(489773)
55	09/01/2006	(497259)
56	03/17/2006	(498116)
57	04/21/2006	(498117)
58	05/16/2006	(498118)
59	06/19/2006	(498119)
60	07/17/2006	(498120)
61	10/10/2006	(511470)
62	05/21/2007	(511619)
63	10/10/2006	(514525)
64	10/17/2006	(515418)
65	12/06/2006	(518260)
66	08/16/2006	(520130)
67	10/12/2006	(520131)
68	12/19/2006	(532142)
69	04/13/2007	(532653)
70	01/16/2007	(534803)
71	03/22/2007	(541397)
72	04/09/2007	(541411)
73	02/26/2007	(541487)
74	02/28/2007	(541747)
75	02/07/2007	(544396)
76	11/17/2006	(544397)
77	11/08/2006	(544398)
78	12/12/2006	(544399)
79	01/12/2007	(544400)
80	05/03/2007	(554914)
81	05/10/2007	(555702)
82	05/25/2007	(560317)
83	06/06/2007	(562013)
84	08/10/2007	(562140)
85	08/10/2007	(563070)
86	06/25/2007	(564693)
87	09/28/2007	(565477)
88	08/31/2007	(565801)
89	10/04/2007	(565852)
90	10/04/2007	(565854)
91	10/10/2007	(565963)
92	10/10/2007	(565967)
93	10/10/2007	(566452)

94	10/19/2007	(566487)
95	07/23/2007	(566724)
96	10/10/2007	(566839)
97	10/19/2007	(566879)
98	10/10/2007	(566915)
99	10/11/2007	(566941)
100	12/04/2007	(566947)
101	10/11/2007	(566955)
102	07/23/2007	(567132)
103	01/17/2007	(567358)
104	07/19/2007	(567658)
105	05/18/2007	(568214)
106	07/30/2007	(568409)
107	10/18/2007	(569974)
108	11/26/2007	(569987)
109	11/26/2007	(570225)
110	02/20/2008	(570269)
111	09/19/2007	(570290)
112	11/27/2007	(570543)
113	09/19/2007	(574167)
114	11/13/2007	(574346)
115	03/12/2007	(575151)
116	04/16/2007	(575152)
117	05/18/2007	(575153)
118	06/11/2007	(575154)
119	07/12/2007	(575155)
120	08/07/2007	(575156)
121	11/09/2007	(594021)
122	11/09/2007	(594251)
123	11/09/2007	(594360)
124	11/16/2007	(594670)
125	11/16/2007	(594676)
126	11/16/2007	(594681)
127	11/09/2007	(594738)
128	11/19/2007	(594880)
129	03/10/2008	(597253)
130	12/20/2007	(599302)
131	01/02/2008	(599812)
132	11/06/2007	(600100)
133	01/08/2008	(600585)
134	02/08/2008	(600663)
135	09/18/2007	(607523)
136	09/18/2007	(607524)
137	02/08/2008	(609244)
138	01/10/2008	(609407)
139	01/25/2008	(609712)
140	02/08/2008	(609996)
141	02/08/2008	(610061)

142	02/08/2008	(610221)
143	02/08/2008	(610485)
144	02/08/2008	(611533)
145	01/18/2008	(611544)
146	01/03/2008	(611841)
147	02/08/2008	(611999)
148	02/08/2008	(612004)
149	02/08/2008	(612681)
150	03/13/2008	(614947)
151	03/18/2008	(615544)
152	03/18/2008	(615545)
153	03/18/2008	(615556)
154	03/18/2008	(615557)
155	03/31/2008	(616611)
156	03/31/2008	(616733)
157	04/04/2008	(618108)
158	02/15/2008	(618820)
159	11/08/2007	(619477)
160	12/05/2007	(619478)
161	10/29/2008	(636605)
162	03/06/2008	(636901)
163	05/09/2008	(637781)
164	04/21/2008	(639800)
165	05/16/2008	(639937)
166	05/16/2008	(639984)
167	05/16/2008	(640018)
168	05/23/2008	(640200)
169	07/07/2008	(641625)
170	02/08/2008	(652098)
171	05/18/2007	(652283)
172	08/10/2007	(652667)
173	11/15/2007	(653032)
174	05/07/2008	(654421)
175	10/27/2008	(657228)
176	06/30/2008	(671377)
177	06/30/2008	(671397)
178	02/13/2008	(671984)
179	03/06/2008	(671985)
180	04/07/2008	(671986)
181	03/26/2008	(671987)
182	07/15/2008	(681456)
183	10/21/2008	(682299)
184	06/26/2008	(683110)
185	06/27/2008	(684063)
186	10/28/2008	(685844)
187	08/14/2008	(686668)
188	07/28/2008	(687478)
189	08/19/2008	(687694)

190	08/22/2008	(687895)
191	02/20/2009	(689406)
192	02/20/2009	(689422)
193	05/12/2008	(689902)
194	06/10/2008	(689903)
195	11/10/2008	(700448)
196	08/29/2008	(701306)
197	11/10/2008	(705593)
198	12/06/2007	(710683)
199	09/05/2008	(710684)
200	09/23/2008	(710685)
201	11/10/2008	(710686)
202	09/23/2008	(710687)
203	02/03/2009	(722657)
204	02/05/2009	(722823)
205	02/05/2009	(722848)
206	02/27/2009	(724203)
207	08/20/2009	(724204)
208	07/27/2009	(725190)
209	02/10/2009	(726338)
210	12/10/2008	(727445)
211	12/10/2008	(727446)
212	04/24/2009	(737309)
213	05/15/2009	(737333)
214	04/27/2009	(737963)
215	03/18/2009	(738007)
216	03/18/2009	(738050)
217	05/05/2009	(739628)
218	05/05/2009	(739755)
219	06/09/2009	(739816)
220	04/18/2009	(741058)
221	08/07/2009	(741172)
222	05/15/2009	(742437)
223	05/15/2009	(742470)
224	05/15/2009	(742611)
225	11/10/2009	(746109)
226	06/30/2009	(746227)
227	11/05/2009	(746389)
228	08/04/2010	(747496)
229	07/16/2009	(748313)
230	07/16/2009	(748315)
231	08/14/2009	(749587)
232	02/03/2009	(750205)
233	03/04/2009	(750206)
234	04/08/2009	(750207)
235	04/01/2009	(750208)
236	09/02/2009	(760233)
237	09/02/2009	(760551)

238	09/03/2009	(761249)
239	09/02/2009	(761259)
240	09/03/2009	(761268)
241	09/28/2009	(762141)
242	09/28/2009	(763026)
243	09/18/2009	(763553)
244	08/17/2009	(764639)
245	09/30/2009	(764855)
246	09/30/2009	(764874)
247	10/01/2009	(765567)
248	10/08/2009	(766406)
249	08/20/2009	(766649)
250	05/15/2009	(768312)
251	06/09/2009	(768313)
252	12/23/2009	(777974)
253	01/05/2010	(778214)
254	12/02/2009	(778933)
255	12/22/2009	(780308)
256	01/22/2010	(780824)
257	12/17/2009	(784082)
258	01/26/2010	(787753)
259	01/22/2010	(787933)
260	01/27/2010	(789059)
261	02/17/2010	(789378)
262	02/24/2010	(792058)
263	05/27/2010	(793072)
264	07/13/2010	(795013)
265	03/12/2010	(795191)
266	04/23/2010	(795826)
267	04/23/2010	(795943)
268	04/19/2010	(796648)
269	05/10/2010	(800560)
270	05/17/2010	(801639)
271	06/10/2010	(801866)
272	06/23/2010	(802202)
273	05/26/2010	(802444)
274	06/24/2010	(802766)
275	08/31/2010	(803098)
276	02/08/2010	(804519)
277	11/09/2009	(804520)
278	12/07/2009	(804521)
279	01/11/2010	(804522)
280	08/09/2010	(824509)
281	06/17/2010	(824648)
282	06/08/2010	(824682)
283	07/28/2010	(825561)
284	07/09/2010	(826424)
285	07/14/2010	(826434)

286 11/24/2010 (826657)  
 287 11/10/2010 (826661)  
 288 11/24/2010 (826663)  
 289 03/04/2010 (830831)  
 290 04/07/2010 (830832)  
 291 05/13/2010 (830833)  
 292 09/07/2010 (841097)  
 293 07/21/2010 (841099)  
 294 09/03/2010 (841100)  
 295 01/07/2011 (843913)  
 296 06/15/2010 (846251)  
 297 08/31/2010 (849984)  
 298 07/08/2010 (860846)  
 299 11/08/2010 (866088)  
 300 10/13/2010 (866253)  
 301 08/12/2010 (866812)  
 302 01/27/2011 (870365)  
 303 01/12/2011 (872609)  
 304 01/14/2011 (872634)  
 305 09/08/2010 (873884)  
 306 01/05/2011 (878647)  
 307 12/10/2010 (878760)  
 308 01/14/2011 (878920)  
 309 01/05/2011 (881211)  
 310 09/21/2010 (881485)  
 311 01/10/2011 (885126)  
 312 11/03/2010 (888014)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/28/2006 (453217) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: Permit No. 19868, Special Condition 1 PERMIT  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 5C THC Chapter 382, SubChapter A 382.085(b)  
 Description: Failure to keep the emissions within the Maximum Allowable Emissions Rate Table  
 limits specified in TCEQ Air Permit No. 19868 for the Flare.  
 Date: 01/17/2007 (567358) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for Trihalomethanes during the fourth quarter  
 of 2006.  
 Date: 05/18/2007 (652283) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 Description: TOTAL TRIHALOMETHANES  
 Date: 05/18/2007 (568214) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of  
 2007.  
 Date: 08/10/2007 (652667) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 Description: TOTAL TRIHALOMETHANES  
 Date: 08/31/2007 (565801) CN602817884

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart VV 60.482-6(a)(1) 5C THC Chapter 382, SubChapter D 382.085(b) FOP #O-01353, Special Condition #1A OP FOP #O-01353, Special Condition #6 OP Permit #19868, Special Condition #5E PERMIT Permit #35735, Special Condition #8E PERMIT Permit #5419, Special Condition #8E PERMIT		
Description:	Failure to seal open-ended lines in a VOC service.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP # O-01353, Special Condition #1A OP FOP # O-01353, Special Condition #6 OP Permit #19868, Special Condition #8D PERMIT Permit #35735, Special Condition #4 PERMIT		
Description:	Failure to prevent flares' on-line analyzers to be out of service.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Part 60, Subpart A 60.18(c)(1) 5C THC Chapter 382, SubChapter D 382.085(b) FOP #O-01353, Special Condition #1A OP FOP #O-01353, Special Condition #6 OP Permit #35735, Special Condition #3 PERMIT		
Description:	Failure to prevent visible emissions at the flare.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THC Chapter 382, SubChapter D 382.085(b) FOP #O-01353, Special Condition #6 OP Permit #35735, Special Condition #4 PERMIT		
Description:	Failure to prevent flare monitoring data for vent flow rate lost due to parametric meter malfunction.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122.146(5)(D) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to include in four previous deviation reports (May 2005 to October 2006) their failure to submit semi-annual reports of non-repairable HRVOC fugitive emission components to TCEQ Houston Region Office.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)(i) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to prevent extraordinary repair attempt not completed within 30 days of leak detection for valve in HRVOC service (leaking <10,000 ppmv).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.786(c) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to submit reports of HRVOC fugitive emissions components that were non-repairable (i.e. placed on delay of repair) to the TCEQ and local agency semi-annually as required until the report covering the period ending December 31, 2006.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.764(a)(2) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to collect samples for total VOC analysis while Polypropylene Unit #2 cooling tower analyzer was out of calibration.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.206(i) 5C THC Chapter 382, SubChapter D 382.085(b)		
Description:	Failure to prevent stationary diesel emergency engine tested between 6 am and 12 noon.		
Date:	09/30/2007 (607523)	CN602817884	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		

Description: Failure to meet the limit for one or more permit parameter  
Date: 11/15/2007 (653032) CN602817884  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TOTAL TRIHALOMETHANES  
Date: 02/08/2008 (652098) CN602817884  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: TOTAL TRIHALOMETHANES  
Date: 04/04/2008 (618108) CN602817884  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
5C THSC Chapter 382 382.085(b)  
No. 95, Special Condition 1 PERMIT  
Description: Failure to prevent unauthorized emissions due to operator error.  
Date: 07/15/2008 (681456) CN602817884  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 101, SubChapter F 101.221(a)  
30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
5C THSC Chapter 382 382.085(b)  
Special Condition No. 8B PERMIT  
Description: Failed to prevent the loss of flame at the flare.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition 1 PERMIT  
Description: Failed to prevent unauthorized emissions.  
Date: 08/22/2008 (687895) CN602817884  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
Special Condition #1 PERMIT  
Description: Failure to prevent flare malfunction.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
Special Condition #8.B PERMIT  
Description: Failure to prevent the loss of flame on the flare.  
Date: 10/31/2008 (710686) CN602817884  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter  
Date: 10/31/2008 (636605) CN602817884  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(C)  
30 TAC Chapter 115, SubChapter H 115.782(c)(1)(C)(ii)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(d)(2)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP  
Description: Failure to repair four leaking pumps.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
STC 1A OP  
Description: Failed to repair leaking components within 15 days.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter H 115.786(c)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to submit HRVOC Delay of Repair report.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter H 115.782(c)(2)(A)(i)  
5C THSC Chapter 382 382.085(b)  
Description: Failure to conduct Extra-Ordinary Efforts.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
30 TAC Chapter 116, SubChapter B 116.115(c)

	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)(1) 5C THSC Chapter 382 382.085(b) SC 34E PA STC 19 PA		
Description:	Failure to seal open ended lines.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.354(2) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 35F PA STC 19 OP		
Description:	Failure to conduct fugitive monitoring on 216 valves.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter D 115.352(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to verify leak repairs.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.788(c) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to provide 30 day notification prior to HRVOC Audit.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 13 PA STC 19 OP		
Description:	Failure to maintain hourly NOX emissions within limits.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.725(d)(3) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1HI OP		
Description:	Failure to maintain flare analyzer downtime to less than 5%.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.310(c)(2) 5C THSC Chapter 382 382.085(b)		
Description:	Failure to maintain ammonia emissions less than 10 ppmv.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1 PA STC 19 OP		
Description:	Failure to maintain ammonia emissions within the MAERT.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.340(d) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to monitor ammonia slip.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(7)(ii) 5C THSC Chapter 382 382.085(b) SC 11A PA STC 1A OP		
Description:	Failure to maintain flare exit velocity less than Vmax.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3) 5C THSC Chapter 382 382.085(b) SC 11A PA STC 1A OP		
Description:	Failure to maintain net heating content greater than 300 Btu/scf.		
Self Report?	NO	Classification:	Minor

Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.335(a)(4) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to test engine within 60 days.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.310(c)(1) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to maintain CO emissions less than 400 ppmv.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1 PA STC 19 OP		
Description:	Failure to maintain firing rates within limits.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 4B PA STC 19 OP		
Description:	Failure to maintain boiler firing rate less than 388 mmbtu/hr.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 49 PA STC 19 OP		
Description:	Failure to record vent stream flow to flare.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 1 PA STC 19 OP		
Description:	Failure to maintain CO emissions within the MAERT.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(1)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 3Ai OP		
Description:	Failure to prevent visible emissions from stationary vents.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1038(c)(2)(i) 5C THSC Chapter 382 382.085(b) STC 1A OP		
Description:	Failure to maintain records of Audio, Visual, Olfactory (AVO) inspections.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 38 PA STC 19 OP		
Description:	Failure to record time during ammonia AVO inspections		
Self Report?	NO	Classification:	Minor
Citation:	1A OP 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 3 PA		
Description:	Failure to maintain NOx emissions within limits		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 117, SubChapter B 117.300 30 TAC Chapter 117, SubChapter B 117.345(b)(2) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) STC 1A OP		

Description: Failure to submit PEMS RATA notification within 15 days.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 STC 7A OP

Description: Failure to prevent engine testing between 6 am and 12 noon.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 STC 2F OP

Description: Failure to submit Emission Event reports to local programs.  
 Date: 11/10/2008 (700448) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition #11.B PERMIT

Description: Failed to prevent the loss of flame on the flare.  
 Date: 04/27/2009 (737963) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions during an emissions event.  
 Date: 07/31/2009 (727445) CN602817884  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
 Date: 12/17/2009 (784082) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PERMIT

Description: Failure to prevent the unauthorized emissions. C-302 and C-501 compressors tripped during level adjustments to the D-345 flash drums.  
 Date: 05/31/2010 (846251) CN602817884  
 Self Report? YES Classification: Moderate  
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter  
 Date: 08/05/2010 (747496) CN602817884  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter B 116.116(a)(1)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to limit Cogen HRSG boiler firing rate to 213 MMBtu/hr. Category B violation.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 106, SubChapter T 106.454(1)(A)(ii)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain solvent make up records. Category C 3 violation.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter E 115.412(2)(D)(I)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain proper freeboard level on degreasers. Category C 7 violation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.340(a)  
 5C THSC Chapter 382 382.085(b)

Description: Failure to install fuel flow-meters. Category C 7 violation.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)(C)

30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.171(d)(2)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP  
 Description: Failure to repair two pumps on delay of repair (DOR). Category C 7 violation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT UU 63.1033(b)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 34E PA  
 Special Conditions 1A, 18 OP  
 Description: Failure to cap/plug open-ended lines in VOC/HAPS/HRVOC service. Category C 10 violation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)  
 30 TAC Chapter 115, SubChapter H 115.782(b)(2)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-7(d)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 34I PA  
 Special Conditions 1A, 18 OP  
 Description: Failure to repair valves on required time frame.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 11 PA  
 Special Conditions 1A and 18 OP  
 Description: Failure to operate flares without visible emissions.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 5(B)(i) OP  
 Description: Failure to operate waste gas units/furnaces within opacity limit. Category C 7 violation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.132(e)(2)(A)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to include T-301, T-304 vents in the new source performance standards (NSPS) applicability in the Federal Operating Permit (FOP) #O-02327. Category C 7 violation.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.335(a)(4)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP  
 Description: Failure to perform required initial engine test. Category C 1 violation.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP  
 Description: Failure to conduct stationary emergency diesel engine test at a required time.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(c)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1A OP  
 Description: Failure to maintain carbon monoxide (CO) less than 400 ppmv. Category B 14 violation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter H 115.725(d)(4)  
 5C THSC Chapter 382 382.085(b)  
 Description: Failure to sample a highly reactive volatile organic compound (HRVOC) analyzer.

	Category C 1 violation.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 117, SubChapter G 117.8100(a)(1)(A) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.13(d)(1) 5C THSC Chapter 382 382.085(b) Special Condition 1A OP	
Description:	Failure to conduct continuous emission monitoring system (CEMS) daily zero span check.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d)(2) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(4)(ii) 40 CFR Part 63, Subpart A 63.11(b)(7)(i) 5C THSC Chapter 382 382.085(b) Special Condition 11A PA Special Conditions 1A, 18 OP	
Description:	Failure to maintain flare velocity. CATEGORY C 4 violation.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter H 115.722(d)(1) 30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii) 5C THSC Chapter 382 382.085(b) Special Condition 11A PA Special Conditions 1A, 18 OP	
Description:	Failure to maintain flare hourly net heating value at 300 Btu/SCF.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-5(a) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.166(a) 5C THSC Chapter 382 382.085(b) Special Condition 1A OP	
Description:	Failure to equip sample connection system with a closed-purge.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 18 OP Special Condition 38 PA	
Description:	Failure to maintain aqueous ammonia audio, visual, olfactory (AVO) record.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter H 115.781(a)	
Description:	5C THSC Chapter 382 382.085(b) Failure to identify a component in highly-reactive volatile organic compound (HRVOC) service. Category C 7 violation.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)	
Description:	5C THSC Chapter 382 382.085(b) Failure to document time in the daily flare visible emission log. Category C 3 violation.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 18 OP Special Condition 43H PA	
Description:	Failure to demonstrate ninety five percent valid emission with predictive emission monitoring system (PEMS). Category C 1 violation.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 116, SubChapter G 116.715(a) 30 TAC Chapter 117, SubChapter G 117.8100(a) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) Special Condition 41 PA Special Conditions 1A, 18 OP	
Description:	Failure to continuously maintain and operate continuous emission monitoring system (CEMS). Category C 1 violation.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.145(2)(A)	

5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Description: Failure to submit a complete deviation report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 1 PA  
 Special Condition 18 OP  
 Description: Exceedence of hourly CO limit (MAERT) during relative accuracy test audit (RATA).  
 Category B 14 violation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter B 115.112(a)(2)(A)  
 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT WW 63.1063(b)(3)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 8 PA  
 Special Conditions 1A, 18 OP  
 Description: Failure to close tank hatch. Category C 1 violation.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter G 116.715(a)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(a)(1)(iv)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition 8 PA  
 Special Conditions 1A, 18 OP  
 Description: Failure to submit an application to substitute a prior flare performance test within ninety  
 days. Category B 3 violation.  
 Date: 06/31/2010 (803098) CN602817884  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.726(a)(1)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 STC #1(A) OP  
 Description: Failure to maintain a copy of the flares (EPNs: P2FLARE, P-3POLY, and P4FLARE)  
 HRVOC monitoring Quality Assurance Plan (QAP). (Category C3)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.766(l)(1)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms and Conditions #1(A) PERMIT  
 Description: Failure to maintain a copy of the cooling towers (EPNs: P3CWT and P4CWT) HRVOC  
 monitoring QAP which was deleted from the system. [Category C3]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition #8E PERMIT  
 Special Terms and Conditions #1A OP  
 Special Terms and Conditions #9 OP  
 Description: Failure to seal one (1) open-ended line discovered in the PP4 Unit. [Category C10]  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition #8C PERMIT  
 Special Terms and Conditions #1A OP  
 Special Terms and Conditions #9 OP  
 Description: Failure to prevent visible emissions at the P-3POLY flare. [Category B18]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition #8A PERMIT  
 Special Terms and Conditions #1A OP  
 Special Terms and Conditions #9 OP  
 Description: Failure to maintain the net heating content for the P-3POLY flare greater than 300  
 Btu/scf. [Category C4]  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter H 115.722(d)(1)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition #3A PERMIT  
 Special Terms and Conditions #1A OP  
 Special Terms and Conditions #9 OP  
 Description: Failure to maintain the net heating content for the P4FLARE greater than 300 Btu/scf.  
 [Category C4]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 117, SubChapter B 117.310(f)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Terms and Conditions #1A OP  
 Description: Failure to prevent emergency generator (EPN:P4EMGEN) on October 29, 2009 from  
 operating between 6 a.m. and 12 noon. [Category C4]  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 General Terms and Conditions OP  
 Special Terms and Condition#3(B)(iv)(1) OP  
 Description: Failure to conduct visible emission observations on stationary vents once during each  
 quarter from April 1, 2009 through March 31, 2010. [Category B1]  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)  
 30 TAC Chapter 115, SubChapter H 115.783(5)  
 30 TAC Chapter 116, SubChapter B 116.115(c)  
 30 TAC Chapter 122, SubChapter B 122.143(4)  
 5C THSC Chapter 382 382.085(b)  
 Special Condition #5E PERMIT  
 Special Terms and Conditions #1A OP  
 Special Terms and Conditions #9 OP  
 Description: Failure to seal six (6) open-ended lines discovered in the PP3 Unit. [Category C10]  
 Date: 08/31/2010 (849984) CN602817684  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
 30 TAC Chapter 319, SubChapter A 319.7(c)  
 Description: Failure to maintain a temperature log for the sample storage refrigerator. At the time of  
 the inspection, a temperature log was not being maintained for the sample storage  
 refrigerator. A log must be maintained to ensure the sample refrigerator is operating  
 properly.

F. Environmental audits.

Notice of Intent Date: 04/30/2010 (803375)  
 No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
INEOS USA LLC  
RN100238708**

§     **BEFORE THE**  
§  
§     **TEXAS COMMISSION ON**  
§  
§     **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2011-0223-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding INEOS USA LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a petrochemical plant at Farm-to-Market Road 2004, two miles south of the intersection of Farm-to-Market Road 2917 and Farm-to-Market Road 2004 in Alvin, Brazoria County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted October 22 through November 5, 2010, TCEQ staff documented that the Respondent failed to prevent low oil differential pressure on Compressor C-201, which resulted in a compressor trip and unauthorized emissions in the Olefins No. 1 Unit on September 29, 2010. During an emissions event (Incident No. 145451), lasting five hours and 20 minutes, the following unauthorized emissions were released from the Olefins 1 Flare: 4,128 pounds ("lbs") of volatile organic compounds ("VOC") including 1,657 lbs of ethylene and 500 lbs of propylene which are highly reactive VOCs ("HRVOC"), 3,869 lbs of carbon monoxide ("CO"), and 759 lbs of nitrogen oxides ("NO<sub>x</sub>"). Because the event could have been avoided by better operating or maintenance practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
4. During a record review conducted October 27 through November 10, 2010, TCEQ staff documented that the Respondent failed to prevent air from entering a cracked gas header resulting in unauthorized emissions in the Olefins No. 1 Unit on October 7, 2010. During an emissions event (Incident No. 145798), lasting four hours, the following unauthorized emissions were released from the Olefins 1 Flare: 3,345 lbs of CO, 4,616 lbs of the HRVOC ethylene, and 657 lbs of NO<sub>x</sub>. This event could have been avoided if the stream trap and associated block valves had been put on the isolation and blind list. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
5. During an investigation conducted November 10 through 19, 2010, TCEQ staff documented that the Respondent failed to prevent upon startup, to reopen the isolation valve on one of the two ports of the Buffer Gas Flowmeter for the C-201 Cracked Gas Compressor which resulted in erroneously high readings and unauthorized emissions in the Olefins No. 1 Unit on October 9, 2010. During the emissions event (Incident No. 145856), lasting 11 hours, the following unauthorized emissions were released from the Olefins 1 Flare: 17,501 lbs of CO, 14,849 lbs of the HRVOC ethylene, 699 lbs of the HRVOC propylene, and 3,435 lbs of NO<sub>x</sub>. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
6. During an investigation conducted on November 10, 2010, TCEQ staff documented that the Respondent failed to prevent an on-site contractor from miscoding a selector switch in the Acetylene Converter interlock system, resulting in the tripping of the Olefins No. 2 Unit on October 13, 2010. During the emissions event (Incident No. 146027), lasting 16 hours, the following unauthorized emissions were released from the Olefins 2 Flare: 15,748 lbs of CO, 16,299 lbs of the HRVOC ethylene, and 3,091 lbs of NO<sub>x</sub>. Because the event could have been avoided by better operating practices, the Respondent did not meet the affirmative defense in 30 TEX. ADMIN. CODE § 101.222.
7. During a record review conducted on December 9, 2010, TCEQ staff documented that the Respondent failed to conduct the initial performance tests on the Olefins 1 and 2 Flares when they became subject to 40 CODE OF FEDERAL REGULATIONS ("C.F.R.") Part

63, Subpart FFFF regulations on May 10, 2008. Although the flares had been stack tested in 2000, it was determined that the 2000 tests reports were not adequate to determine compliance with the 2008 rules.

8. During an investigation conducted October 27, 2010, TCEQ staff documented that the Respondent failed to prevent air from entering a cracked gas header due to operator error resulting in unauthorized emissions in the Olefins Nos. 1 and 2 Units on October 10, 2010. During the emissions event (Incident No. 145871), lasting 18 hours, the following unauthorized emissions were released from the Olefins 1 and 2 Flares: 41,093 lbs of the HRVOC ethylene, 48,069 lbs of CO, and 9,433 lbs of NO<sub>x</sub>. The event was due to the board operator failing to open a motor operated valve during the startup of Furnace DB-104. Air entered the cracked gas stream through the furnace, resulting in a temperature increase in the OL 1 DR-202 Acetylene reactor causing the automatic shutdown of the reactor and flaring of off-specification ethylene. The event was determined to be excessive.
9. The Respondent received notices of the violations on January 7, 10, 13, and 18, 2011 and February 7, 2011.
10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. To prevent the recurrence of the September 29, 2010 emissions event (Incident No. 145451), the following were completed by December 1, 2010:
    - i. Sent Valve DPV-2215 for evaluation and testing during the DC-201 seal repair;
    - ii. Lowered the first stage oil seal differential trip point from 20 pounds per square inch gauge ("psig") to 12 psig to enable more room for differential pressure swings; and
    - iii. Checked control valve DFCB210 to ensure it stroked properly during the DC-201 seal repair.
  - b. To prevent the recurrence of the October 7, 2010 emissions event (Incident No. 145798), DB-104 Isolation and Blind List was corrected on November 15, 2010;
  - c. To prevent the recurrence of the October 9, 2010 emissions event (Incident No. 145856), the following were completed on February 10, 2011:
    - i. Installed a visual aid on the buffer gas meter to illustrate the minimum and maximum operating conditions; and
    - ii. Updated the Standard Operating Procedures for C-201 to include the normal operating conditions on the seal oil and buffer gas systems.

- d. To prevent the recurrence of the October 13, 2010 emissions event (Incident No. 146027), completed modifying the inlet temperature override controls to employ a "push" cascade structure and completed looking for other Distributed Control System points with the same function to ensure that the initialization flag is transmitted properly on January 13, 2011.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions in the Olefins No. 1 Unit on September 29, 2010 (Incident No. 145451), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit Nos. 95 and PSD-TX-854M2, Special Condition No. ("SC") 1; and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions in the Olefins No. 1 Unit on October 7, 2010 (Incident No. 145798), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit Nos. 95 and PSD-TX-854M2, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Findings of Fact No. 5, the Respondent failed to prevent unauthorized emissions in the Olefins No. 1 Unit on October 9, 2010 (Incident No. 145856), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit Nos. 95 and PSD-TX-854M2, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Findings of Fact No. 6, the Respondent failed to prevent unauthorized emissions in the Olefins No. 2 Unit on October 13, 2010 (Incident No. 146027), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a), Flexible Permit Nos. 95 and PSD-TX-854M2 SC 1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Findings of Fact No. 7, the Respondent failed to conduct the initial performance tests on the Olefins 1 and 2 Flares when they became subject to 40 C.F.R. Part 63, Subpart FFFF regulations on May 10, 2008, in violation of 30 TEX. ADMIN. CODE §§ 101.20(2), 101.20(3), 116.715(a), and 122.143(4); Flexible Permit Nos. 95 and PSD-TX-854M2, SC 8; Federal Operating Permit O-02327, Special Terms and Conditions 1.A. and 18.A.; 40 C.F.R. § 63.987(b)(1); and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Findings of Fact No. 8, the Respondent failed to prevent unauthorized emissions in the Olefins Nos. 1 and 2 Units on October 10, 2010 (Incident No. 145871), in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.715(a); Flexible Permit Nos. 95 and PSD-TX-854M2, SC 1; and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for

violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

9. An administrative penalty in the amount of Fifty-Nine Thousand Five Hundred Twenty Dollars (\$59,520) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent has paid the Fifty-Nine Thousand Five Hundred Twenty Dollar (\$59,520) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Fifty-Nine Thousand Five Hundred Twenty Dollars (\$59,520) as set forth in Section II, Paragraph 9 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: INEOS USA LLC, Docket No. 2011-0223-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. For the October 9, 2010 emissions event (Incident No. 145856) to prevent recurrence of a similar emissions event:
    - i. Within 30 days after the effective date of this Agreed Order, complete training that details the interaction between the buffer gas system and seal oil shutdown; and
    - ii. Within 45 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a.i. as described in Ordering Provision No. 2.d.
  - b. For failing to conduct the initial performance tests on the Olefins 1 and 2 Flares:
    - i. Within 45 days after the effective date of this Agreed Order, conduct the initial performance tests on the Olefins 1 and 2 Flares, as required by 40 C.F.R. Part 63, Subpart FFFF; and

- ii. Within 90 days after the effective date of this Agreed Order, submit copies of the performance tests on the Olefins 1 and 2 Flares to the addresses listed in Ordering Provision No. 2.d.
- c. For the October 10, 2010 excessive emissions event (Incident No. 145871) to prevent recurrence of a similar emissions event:
  - i. Comply with the TCEQ request dated February 1, 2011 for submittal of a corrective action plan ("CAP") to address this excessive emissions event in accordance with 30 TEX. ADMIN. CODE § 101.223(a)(1);
  - ii. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the submitted CAP in connection with the excessive emission events within 15 days after the date of such requests, or by any other deadline specified in writing;
  - iii. Upon Commission approval, implement the CAP in accordance with the approved schedule; and
  - iv. Within 15 days upon completion of the CAP implementation, submit written certification to demonstrate compliance with Ordering Provision Nos. 2.c.i. through 2.c.iii. as described in Ordering Provision No. 2.d.
- d. The written certifications required by Ordering Provision Nos. 2.a.ii. and 2.c.iv. shall be as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature

affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Bradley  
For the Executive Director

6/30/2011  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of INEOS USA LLC. I am authorized to agree to the attached Agreed Order on behalf of INEOS USA LLC, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, INEOS USA LLC waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

DAVID L. BRACKETT  
Signature

5/11/2011  
Date

DAVID L. BRACKETT  
Name (Printed or typed)  
Authorized Representative of  
INEOS USA LLC

CBW SITE MANAGER  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

